



State of New Jersey  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF WASTE MANAGEMENT  
120 Rt. 156, Yardville, N.J. 08620

DR. MARWAN M. SADAT, P.E.  
DIRECTOR

LINO F. PEREIRA  
DEPUTY DIRECTOR

06 JUN 1985

(IN THE MATTER OF )  
(SYNKOTE PAINT COMPANY)

ADMINISTRATIVE  
ORDER

The following FINDINGS are made and ORDER is issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (Department) by N.J.S.A. 13:1D-1 et seq., the Solid Waste Management Act, as amended and supplemented, N.J.S.A. 13:1E-1 et seq., and duly delegated to the Assistant Director for Enforcement and Field Operations, Division of Waste Management, pursuant to N.J.S.A. 13:1B-4.

FINDINGS

- 1) The New Jersey Department of Environmental Protection (hereinafter "the Department") has determined that Synkote Paint Company (hereinafter "Synkote") is a generator of hazardous waste (EPA ID Number NJD001394089) as defined by N.J.A.C. 7:26-1.4 and is located at Block 164, Lot 1c, Township of Elmwood Park, County of Bergen, State of New Jersey.
- 2) "Synkote" is a small manufacturer of industrial coatings. No hazardous waste is generated during the company's normal operations, however, the hazardous waste is generated when manufacturing vessels are washed out with solvents.
- 3) On November 7, 1984, Departmental representatives attempted to conduct an inspection of the above referenced location but were denied access, in violation of N.J.A.C. 7:26-9.4(k)1.
- 4) On November 8, 1984, Departmental representatives returned to the above referenced location and conducted an inspection. The following was noted:
  - a. The earliest date written on hazardous waste containers stored on site was September 3, 1984.
  - b. According to manifests, the last shipment of hazardous waste was transported off site on January 9, 1984.



- c. Between January 9, 1984 and September 3, 1985 no manifests were produced regarding transporting hazardous waste off site for disposal.
- 5) Based on the facts in Paragraphs 4a, 4b and 4c it is determined that "Synkote" was accumulating hazardous waste in containers on site in excess of ninety (90) days.
- 6) Pursuant to N.J.A.C. 7:26-9.3(b), a generator who accumulates hazardous waste in excess of ninety (90) days is an operator of a hazardous waste storage facility and must comply with N.J.A.C. 7:26-9.1 et seq. and with the permit requirements of N.J.A.C. 7:26-12.1 et seq.
- 7) Based on the facts in Paragraphs 5 and 6 above, the Department has determined that "Synkote" is operating a hazardous waste facility as defined in N.J.A.C. 7:26-1.4.
- 8) A review of Department records reveals that there is no hazardous waste facility permit application on file for "Synkote".
- 9) Based on these facts, the Department has determined that "Synkote" is in violation of N.J.A.C. 7:26-9.3(b) and N.J.A.C. 7:26-12.1 et seq. by its failure to submit Part A and Part B of a hazardous waste facility permit application, and without having received a finally effective permit prior to operation of a hazardous waste facility.
- 10) N.J.S.A. 13:1E-5 prohibits the operation of a hazardous waste facility without first filing and obtaining approval of a permit application from the Department.
- 11) During the November 8, 1984 inspection of the above referenced facility, the following violations were also noted:
  - a. "Synkote" failed to retain one copy of manifest (N.J. 0207026) and forward one copy to the state of origin and one copy to the state of destination, in violation of N.J.A.C. 7:26-7.4(a)5iii.
  - b. "Synkote" did not receive a signed copy of portion "B" of manifest (N.J. 0000416) from the designated facility within 35 days. "Synkote" failed to notify the Department of the above mentioned situation, in violation of N.J.A.C. 7:26-7.4(h)1.
  - c. "Synkote" failed to store hazardous waste in containers in such a manner as to prevent them from leaking, in violation of N.J.A.C. 7:26-9.4(d)4iii.

- d. "Synkote" failed to inspect areas where containers are stored, at least daily, looking for leaks and for deterioration caused by corrosion or other factors, in violation of N.J.A.C. 7:26-9.4(d)5.
- 12) "Synkote" failed to maintain the following documents and records at the facility:
- a. The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job, in violation of N.J.A.C. 7:26-9.4(g)6i.
  - b. A written job description for each position listed under subparagraph 9.4(g)6i. This shall be kept current at all times. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but shall include the requisite skill, education, or other qualifications, and duties of employees assigned to each position, in violation of N.J.A.C. 7:26-9.4(g)6ii.
  - c. A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under subparagraph 9.4(g)6i, in violation of N.J.A.C. 7:26-9.4(g)6iii.
  - d. Records that document that the training or job experience required under Paragraphs 9.4(a)1 through 5 has been given to, and completed by, facility personnel, in violation of N.J.A.C. 7:26-9.4(g)6iv.
- 13) In addition, the following violations were also noted:
- a. "Synkote" failed to maintain training records on current personnel until closure of the facility; training records on former employees shall be kept for at least three years from the date the employee last worked at the facility, in violation of N.J.A.C. 7:26-9.4(g)7.
  - b. "Synkote" failed to equip portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment, in violations of N.J.A.C. 7:26-9.6(b)3.
  - c. "Synkote" failed to maintain aisle space to allow unobstructed movement of personnel fire protection equipment, spill control equipment, and decontamination equipment to any area of

facility operation in an emergency, in violation of N.J.A.C. 7:26-9.6(e).

- 14) "Synkote" failed to make the following arrangements, in addition to the requirements at 9.4(g)8, as appropriate for the type of waste handled at the facility and the potential need for the services of these organizations:
- a. Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes, in violation of N.J.A.C. 7:26-9.6(f)1.
  - b. Agreements with emergency response contractors, and equipment suppliers, in violation of N.J.A.C. 7:26-9.6(f)3.
  - c. Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or discharges at the facility, in violation of N.J.A.C. 7:26-9.6(f)4.
- 15) "Synkote" failed to maintain a copy of the contingency plan at the facility, in violation of N.J.A.C. 7:26-9.7(i)1.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Synkote Paint Company, its principals, agents, employees, successors, assigns, tenants, and any receiver or trustee in bankruptcy, appointed pursuant to proceeding in law or equity, (should such an entity be appointed to take control of the facility which is the subject of this Order) shall:

- 16) Cease violation of N.J.A.C. 7:26-12.1 et seq. and comply with N.J.S.A. 13:1E-5, as follows:
- a. Within fifteen (15) calendar days of receipt of this Administrative Order, properly dispose off site the hazardous waste in containers that have been stored on site for greater than 90 days in accordance with N.J.A.C. 7:26-7.4, and manage all future site generated hazardous waste in containers so as to comply with N.J.A.C. 7:26-9.3(a) (including but not limited to compliance with the requirements of N.J.A.C. 7:26-7.2, 9.3(a), 9.4(d), 9.4(g), 9.6 and 9.7).

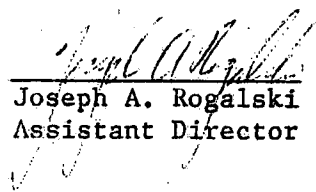
- 17) Within fifteen (15) calendar days of receipt of this Administrative Order, obtain one copy of manifest (N.J. 0207026) and forward one copy to the state of origin and one copy to the state of destination, as to comply with N.J.A.C. 7:26-7.4(a)5iii.
- 18) Within fifteen (15) calendar days of receipt of this Administrative Order, obtain a signed copy of portion "B" of manifest (N.J. 0000416) from the designated facility as to comply with N.J.A.C. 7:26-(h)1.
- 19) Immediately upon receipt of this Administrative Order, store hazardous waste in containers in such a manner as to prevent them from leaking, as to comply with N.J.A.C. 7:26-9.4(d)4iii.
- 20) Immediately upon receipt of this Administrative Order, now and in the future, inspect areas where containers are stored, at least daily, looking for leaks and for deterioration caused by corrosion or other factors, as to comply with N.J.A.C. 7:26-9.4(d)5.
- 21) Within fifteen (15) calendar days of receipt of this Administrative Order provide and maintain the following documents and records at the facility:
  - a. The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job, as to comply with N.J.A.C. 7:26-9.4(g)6i.
  - b. A written job description for each position listed under subparagraph 9.4(g)6i. This shall be current at all times. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but shall include the requisite skill, education, or other qualifications, and duties of employees assigned to each position, as to comply with N.J.A.C. 7:26-9.4(g)6ii.
  - c. A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under subparagraph 9.4(g)6i, as to comply with N.J.A.C. 7:26-9.4(g)6iii.
  - d. Records that document that the training or job experience required under Paragraphs 9.4(a)1 through 5 has been given to, and completed by, facility personnel, as comply with N.J.A.C. 7:26-9.4(g)6iv.
  - e. Training records on current personnel until closure of the facility; training records on

former employees shall be kept for at least three years from the date employee last worked at the facility, as to comply with N.J.A.C. 7:26-9.4(g)7.

- 22) Within fifteen (15) calendar days of receipt of this Administrative Order, equip portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment, as to comply with N.J.A.C. 7:26-9.6(b)3.
- 23) Within fifteen (15) calendar days of receipt of this Administrative Order, provide and maintain aisle space to allow unobstructed movement of personnel fire protection equipment, spill control equipment, and decontamination equipment, in an emergency, as to comply with N.J.A.C. 7:26-9.6(e).
- 24) Within fifteen (15) calendar days of receipt of this Administrative Order, make the following arrangements and agreements, in addition to the requirements at 9.4(g)8, as appropriate for the type of waste handled at the facility and the potential need for the services of these organizations:
  - a. Make arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes, as to comply with N.J.A.C. 7:26-9.6(f)1.
  - b. Make agreements with emergency response contractors, and equipment suppliers, as to comply with N.J.A.C. 7:26-9.6(f)3.
  - c. Make arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or discharges at the facility, as to comply with N.J.A.C. 7:26-9.6(f)4.
- 25) Within fifteen (15) calendar days of receipt of this Administrative Order, provide and maintain a copy of the contingency plan at the facility, as to comply with N.J.A.C. 7:26-9.7(i)1.
- 26) Within fifteen (15) calendar days of receipt of this Order, submit an affidavit of compliance identifying the actions taken to correct the violations noted in Paragraphs 3 through 15. This affidavit shall be sent to:

NJ Department of Environmental Protection  
Division of Waste Management  
Bureau of Compliance and Enforcement  
120 Route 156  
Yardville, NJ 08620  
Attention: Richard Collister

BE ON NOTICE that the maximum civil penalty for violations of the  
Solid Waste Management Act or an ORDER issued pursuant thereto is  
\$25,000 per day.

  
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Joseph A. Rogalski  
Assistant Director

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